

Serial No. 09/932,818
Amendment After Final dated September 17, 2003
In Reply to Office Action of April 17, 2003

REMARKS

The Office Action of April 17, 2003 has been received and its contents carefully noted.

In view of the foregoing amendments and following representations, reconsideration and allowance are respectfully requested.

Examiner Cecil is thanked for the courtesies extended undersigned counsel during the telephone interview of July 16, 2003.

During that interview, Examiner Cecil indicated that independent claim 1 would have to be narrowed, the number of claims presented would have to be reduced, and Applicant would have to be careful not to introduce subject matter not previously claimed, in order to successfully present the proposed Amendment After Final. Examiner Cecil indicated he would certainly be willing to consider an Amendment After Final, yet would not consider entry unless those criteria were met. Applicant's counsel reiterated features of the invention, and indicated an Amendment After Final along the lines requested would be filed.

As to the Office Action, it is respectfully submitted that amended claim 1, and the reduced number of dependent claims satisfy Examiner Cecil's criteria.

Quite simply, independent claim 1 has been amended to overcome the rejection under 35 U.S.C. Section 103 based on U.S. Patent No.

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5,900,138 to Moretto modified in view of U.S. Patent No. 5,873,995 to Huang et al.

Assuming, for the sake of argument, that it would have been obvious to a person having ordinary skill in the art to modify the Moretto vessel for filtering liquids in view of the Huang et al. end-of-life indicator for water treatment devices, absent any clear motivation therefor, then Applicant's particularly claimed invention still would not have resulted.

The proposed Moretto and Huang et al. combination, albeit set forth in the Final Office Action by Examiner Cecil, would have still lacked Applicant's overall combinations of elements, such as Applicant's claimed visual color coding system including green, yellow, and red color codes, for example.

Even if a person having ordinary skill in the art of fluid treatment devices of the type comprising a container, to which devices Applicant's preamble has limited the claimed combination, had had Moretto and Cecil in hand, such a proverbial person having ordinary skill in the art would have had to take features from each of those two references, Moretto and Huang et al., and some additional source, absent Applicant's invention as an impermissible guide to such proverbial person having ordinary skill in art at the time the invention was made, and somehow have arrived at Applicant's claimed invention. Such combination of two(2) references and some additional piece of prior art to provide

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additional missing elements would have had to be done within the Supreme Courts' constraints of Graham v. John Deere. In other words, it is respectfully submitted that a prima facie case of obviousness has not been made, and may not be made, based on the prior art of record.

For brevity of discussion, the patentability of the dependent claims, which depend from independent claim 1, and set forth additional novel and unobvious specifics of the invention, will be allowed to rest on their dependence from claim 1 at this time.

As all of the claims are now dependent upon claim 1 or a claim dependent upon claim 1, each of the elected and non-elected claims should be allowable in that they also avoid the art of record whether individually or in combination.

It is believed that this application is in condition for allowance with claims 1, 4, 5, 6, 11, and 13-15, of which claim 1 is in independent form and an early and favorable action is earnestly solicited.

Attached is a \$410.00 check for a two-month extension of time (large entity). It is believed that no additional fee is due for this submission. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105, and notify the undersigned in due course.

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Should any outstanding formal matters or other issues remain,
Examiner Terry Cecil is requested to telephone Terrence Brown to
resolve such.

Respectfully submitted,

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